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| EXAMINER |
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| ART UNIT | PAPER NUMBER |
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DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 11/7/00

☒ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-17, 19-25 AND 27-36 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-17, 19-25 AND 27-36 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of Reference Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 9+10

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

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DETAILED ACTION

1. This action is responsive to the amendment filed 11/7/2000. As per applicant's request, claims 1, 5, 6, 8, 11-14, 16, 21, 22, and 24 have been amended and claims 18 and 26 have been cancelled. Claims 1-17, 19-25 and 27-36 remain pending.

Specification

2. Applicant has made various amendments to the specification for grammar, inconsistencies, spelling, etc. All have been entered into the file. Additionally it should be noted that the following amendments were requested by applicant to be entered:

“On page 51, after ‘order’ insert --issuance--” and

“On page 55, replace ‘The’ with --This--”.

These amendments, which did not have a line number associated with the respective page, were entered by the Office as follows:

“On page 51 line 15, after ‘order’ insert --issuance--” and

“On page 55 line 15, replace ‘The’ with --This--”.

If either of these has been entered improperly, applicant is requested to correct their amendment request in any subsequent amendment.

Claim Rejections - 35 USC § 112

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3. Claims 19 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 19 and 27 are dependent, respectively, on cancelled claims 18 and 26. The rejection under 35 USC 102(b) has been maintained until applicant straightens out which claim these claims are to depend from.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 5, 7, 8, 19, 21, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Dworkin (US Patent 4,992,940).

Dworkin discloses:

Claim 1. A parts ordering system [Abstract, lines 1-2, 23-24 and col 3, lines 9-11] having a first domain [Fig. 1 (5), col 4, lines 3-10], a second domain [Fig. 1 (1)] and a third domain [Fig. 1 (any of 9a-9d)] connected in a tree structure [Fig. 1 (1 to 9a-9d)], each

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domain is a unit of processing in a computer system corresponding to a working unit on a production line, wherein said second domain includes:

expansion means [Figs. 2A, 2B described col 4, line 30-col 9, line 35] for expanding, into each component part [Figs. 4-6 and 8 , Fig. 3 read with col 3, lines 55-59, col 4, line 35-col 5, line 21], an order that has been received from the first domain; and

communication means for communicating, to the third domain, the order for each component part expanded by said expanding means [Fig. 1 (5 to 1, 1 to 3, 7 and 1 to 9a-9d) described lines 3-21].

Claim 2. The system according to claim 1, wherein said first domain, second domain and third domain have means for issuing an order [Fig. 1 (1), col 4, lines 13-23], means for receiving an order [inherently implied, since the suppliers 9a-9d ought to have means for receiving the order sent by a sender], means for devising a machining plan based upon the order received, means for performing expansion, into each component part, in accordance with the machining plan, means for devising an ordering plan for a part that has been expanded into its component parts, means for ordering a part expanded into individual parts units based upon the ordering plan, means for reading data from a database in accordance with the order for the part, and means for writing the read data to the database [Figs. 1, 2A, 2B and 3-8. Although Dworkin shows a comprehensive plan in Figs. 2A and 2B, yet he does not explicitly recite devising machining and

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other plans. However, the plans under consideration would be inherently implied, since planning is a pre-requisite of any business, specifically manufacturing];

wherein a plurality of connections are made possible on a network in a tree structure [Fig. 1 and col 4, lines 3-10 and 13-23].

Claim 5. The system according to claim 2, wherein said means for performing expansion into each component part includes:

means for performing expansion in units of individual parts for constructing a manufactured product based upon a received order [Figs. 2A and 2B together with Figs. 4-6 and 8], and

means for calculating an amount of parts [Determining/calculating minimum number of parts required for making/constructing ordered product is logically inherently implied].

Claim 7. The system according to claim 1, wherein said first domain, which corresponds to an ordering starting point, has means for issuing an order in accordance with an order input [Fig. 1 (5), col 4, lines 3-10 and 35-43 (specifically lines 41-43), and said third domain, which corresponds to an ordering end point, has means for receiving an order in response to the issuance of the order [Fig. 1 (any of 9a-9d). It needs be mentioned that vendors have to have an order receiving means].

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Claim 8. The system according to claim 1, wherein said first, second and third domains are connected in a tree structure, and an order for each component part processed by said first domain is communicated to the third domain without processing being duplicated by the expansion means of said second domain [Fig. 1 (5 to 1)]. It needs be mentioned that user sends the order to computer/CPU 1, and 1 transmits it further to vendors 9a-9d, hence, duplication would be avoided].

Claim 19. The system according to claim 18, wherein said storage device is a database [Fig. 1 (3)].

Claim 21. A parts ordering method [Abstract, lines 1-2, 23-24 and col 3, lines 9-11] whereby a first domain [Fig. 1 (5), col 4, lines 3-10], a second domain [Fig. 1 (1)] and a third domain [Fig. 1 (any of 9a-9d)] connected in a tree structure, each domain is a unit of processing in a computer system corresponding to a working unit on a production line, deliver and receive orders, comprising:

an expansion step at which the second domain expands [Figs. 2A, 2B described col 4, line 30-col 9, line 35], into component parts [Figs. 4-6 and 8 , Fig. 3 read with col 3, lines 55-59, col 4, line 35-col 5, line 21], an order that has been received from the first domain ; and

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a communication step at which the second domain communicates, to the third domain, an order for each component part expanded at the expansion step [Fig. 1 (5 to 1, 1 to 3, 7 and 1 to 9a-9d) described lines 3-21].

Claim 27. The system according to claim 26, wherein said storage device is a database [Fig. 1 (3)].

6. Claims 9, 10 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Inui et al (US Patent 5,204,821).

Inui et al disclose:

Claim 9. A parts ordering system [Abstract, lines 1-4] in which a domain on a first network [Fig. 1 (11, 12, 13 and 14, col 4, lines 1-4], and a domain on a second network [Fig. 1 (20 and 30)] are connected via a public line, wherein the domain on said second network includes:

means for receiving an order from the domain on said first network [Fig. 1 (21)];

means for devising a machining plan based upon the order [Col 6, lines 10-46 (specifically lines 12-15)];

means for performing expansion, into each component part, in accordance with the machining plan [Fig. 1 (14 to 11, 12, 13) recited with col 4, lines 1-4 and 64-67];

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means for devising an ordering plan for each expanded component part [Fig 1 (14), col 5, lines 8-12]; and

means for ordering in units of individual parts in accordance with the ordering plan [Col 5, lines 16-24].

Claim 10. The system according to claim 9, wherein the domain on a third network connected to the domain on the second network via a LAN receives an order, which is issued by the domain on said first network, via a public line, the domain on said second network and said LAN [Fig. 1 (14 to 20 via 30)].

Claim 29. A computer readable recording medium on which has been recorded a program [Fig. 2 (14c) described col 4, lines 67-68] by which the following means are implemented by a computer:

means for issuing an order [Fig. 1 (14)];

means for receiving an order [Fig. 1 (21)];

means for devising a machining plan based upon the order received [Col 6, lines 10-46 (specifically lines 12-15)];

means for performing expansion, into each component part, in accordance with the machining plan [Fig. 1 (14 to 11, 12, 13) read with col 4, lines 1-4 and 64-67];

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means for devising an ordering plan for a part that has been expanded into its component parts [Fig. 1 (14), col 5, lines 8-12];

means for ordering a part expanded into individual parts units based upon the ordering plan [Col 5, lines 16-24];

means for reading data from a database in accordance with the order for the part [Fig 4, described col 8, lines 7- 15]; and

means for writing the read data to the database [Fig. 4 (14a and 14c) and Fig. 5 described col 8, lines 20-50].

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was

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made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 3, 11-17 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dworkin (US Patent 4,992,940).

In the following claim Dworkin shows:

Claim 3. The system according to claim 2, wherein said means for receiving an order [See discussion in applicant's **Claim 2** above] as

means for making a comparison [Col 4, lines 35-38, col 5, lines 11-15 and claim 7, lines 14-15] with data, which has been retained in a database [Col 6, lines 26-37 (specifically lines 30-31, and 36-37],

but fails to teach:

to determine whether an order is a new order, a modified order or retransmission of the same order.

Official notice is taken that it would have been obvious to one of ordinary skill in the art, because it would help the order sender to take an appropriate action in the light of the determined status of the order.

In the following claim Dworkin shows:

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Claim 11. A parts ordering system having a database which stores an amount of specific parts contained in inventory [Col 3, lines 9-11 and Fig. 1 (3), col 3, lines 61-63, Figs. 3-6, Abstract, lines 4-8 and col 6, lines 26-30], as well as a first domain [Fig. 1 (5)], second domain [Fig. 1 (1)] and third domain [Fig. 1 (9a-9d)] connected in a tree structure [Fig. 1 (1 connected to 9a-9d via 8a-8d)], each domain is a unit of processing in a computer system corresponding to a working unit on a production line, wherein said second domain includes:

means for performing expansion [Figs. 2A, 2B described col 4, line 30-col 9, line 35], into each component part [Figs. 4-6 and 8 , Fig. 3 read with col 3, lines 55-59, col 4, line 35-col 5, line 21], based upon an order received from the first domain;

communication means for communicating, to the third domain, orders in individual parts units expanded by said means for performing expansion [Fig. 1 (5 to 1, 1 to 3, 7 and 1 to 9a-9d) described lines 3-21]; and

fails to teach the following feature:

stopping means for comparing the amount of specific parts contained in inventory stored in the database and a required amount of specific parts obtained by expansion performed by said means for performing expansion, and stopping the communication of an order to the third domain in a case where the amount of specific parts contained in inventory is greater, by a prescribed amount, than the required amount of specific parts.

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Official notice is taken that the feature would have been obvious to one of ordinary skill in the computer art, because it would have been logical to stop the order, in case the amount of parts available in the inventory is more than the parts required to make/assemble a product.

In the following claim Dworkin shows:

Claim 12. A parts ordering system in which a first domain is internally provided with a database in which an amount of specific parts contained in inventory has been stored [Col 3, lines 9-11, Fig. 1 (1) together with col 3, lines 62-63, Figs. 3-6 and Abstract, lines 4-8. It needs be mentioned that numbering of domains might vary as in here.], wherein said first domain includes:

means for performing expansion [Figs. 2A, 2B described col 4, line 30-col 9, line 35], into each component part [Figs. 4-6 and 8 , Fig. 3 read with col 3, lines 55-59, col 4, line 35-col 5, line 21], based upon an order received from the second domain;

communication means for communicating, to the third domain, orders in individual parts units expanded by said means for performing expansion [Fig. 1 (5 to 1, 1 to 3, 7 and 1 to 9a-9d) described lines 3-21]; and

fails to teach the following feature:

stopping means for comparing the amount of specific parts contained in inventory stored in the database within the first domain and a required amount of specific parts obtained by expansion performed by said means for performing expansion, and stopping the communication of

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an order to the third domain in a case where the amount of specific parts contained in inventory is greater, by a prescribed amount, than the required amount of specific parts.

Official notice is taken that the feature would have been obvious to one of ordinary skill in the computer art, because it would have been logical to stop the order, in case the amount of parts available in the inventory is more than the parts required to make/assemble a product.

wherein each domain is a unit of processing in a computer system corresponding to a working unit on a production line [first, second and third domains see **discussion of Claim 1**].

In the following claim Dworkin shows:

Claim 13. A parts ordering system [Col 3, lines 9-11] having a first domain [Fig. 1 (1)] and a second domain connected in a tree structure [Fig. 1 (1 connected to 9a-9d via 8a-8d)], each domain is a unit of processing in a computer system corresponding to a working unit on a production line, wherein said second domain includes:

expansion means [Figs. 2A, 2B described col 4, line 30-col 9, line 35] for expanding into each component part [Figs. 4-6 and 8 , Fig. 3 read with col 3, lines 55-59, col 4, line 35-col 5, line 21], based upon an order received from the first domain; and

first control means which controls reference permission for referring [Fig. 2 (steps 21, 23), col 4, lines 35-44],

but fails to teach:

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from an operating terminal connected to said second domain, to status of order receiving/issuance in individual parts units expanded by said expansion means.

Official notice is taken that the feature would have been obvious to one of ordinary skill in the computer art, because it would have been logical to have a means for knowing order(s) received relative to a part by the vendor(s) and the fulfilment of the order/issuance of the ordered part.

In the following claim Dworkin shows:

Claim 14. The system according to claim 13, wherein said first control means permits reference to order data, machining plan data and sub-part inventory data of said first domain [Fig. 2A and 2B (63, 65) and Figs. 3-6]

however, does not teach the following:

and limits reference to data required by said second domain.

Official notice is taken that the feature would have been obvious to one of ordinary skill in computer art at the time of instant invention, because only the requisite information/data would be transmitted to an specific user/machine (domain).

In the following claim Dworkin shows:

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Claim 15. The system according to claim 14, wherein said first control means gives reference permission based upon a,
but fails to teach:

combination of a domain number and password.

Official notice is taken that use of combination of IDs are old and well known practice in the computer art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to take advantage of the practice in vogue.

In the following claim Dworkin shows:

Claim 16. A parts ordering system having a first domain and a second domain connected in a tree structure [Fig. 1 (1 connected to 9a-9d via 8a-8d)], each domain is a unit of processing in a computer system corresponding to a working unit on a production line, wherein said second domain includes:

expansion means [Figs. 2A, 2B described col 4, line 30-col 9, line 35] for expanding, into component parts [Figs. 4-6 and 8 , Fig. 3 read with col 3, lines 55-59, col 4, line 35-col 5, line 21], an order that has been received from the first domain;

however, fails to teach the below noted feature:

first control means which controls permission to refer to an order for a component part expanded by said expansion means, reference being made from an operating terminal connected to

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the second domain, and second control means for controlling permission to refer to ordering information, within the first domain, related to an order issued to the second domain.

Official notice is taken that use of the control means is old and well known technique/practice in the art of computers. It would have been obvious to one of ordinary skill in the art at the time of current invention to make use of the available technique/practice.

In the following claim Dworkin shows:

Claim 17. The system according to claim 16, wherein the system is constituted by a single domain having order issuing means, order receiving means, machining planning means, constructional expansion means, ordering planning means and ordering means, an interface for making possible interconnection of domains in a tree structure, and input means [Fig. 1 , col 3, lines 61-68 continue col 4, lines 3-68 and Figs. 2A and 2B], however, does not teach:

inputting, to a database, information relating to a part delivered in accordance with the order.

Official notice is taken that the feature would have been obvious to one of ordinary skill in the art, because it would facilitate confirmation/verification about the receipt of the part(s) as ordered and also updating of the database.

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The following claim being a method claim of applicant's system claim 11, hence, same rationale applies to its rejection.

Claim 22. A parts ordering method whereby a first domain, a second domain and a third domain connected in a tree structure deliver and receive orders via a database which stores an amount of specific parts contained in inventory, each domain is a unit of processing in a computer system corresponding to a working unit on a production line, comprising:

an expansion step at which the second domain, into each component part, an order received from the first domain;

a communication step at which the second domain communicates, to the third domain, orders in individual parts units expanded at the expansion step; and

a stopping step at which the second domain compares the amount of specific parts contained in inventory stored in the database and a required amount of specific parts obtained by expansion performed at the expansion step, and stops the communication of an order to the third domain in a case where the amount of specific parts contained in inventory is greater, by a prescribed amount, than the required amount of specific parts.

The undernoted claim being the method claim of the system claim 12 (excepting the numbering of domains as shown below], same rationale of rejection is applied.

Claim 23. A parts, ordering method whereby a first domain, which is internally provided with a database in which a number of specific parts contained in inventory has been

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stored, accepts an order from a second domain [Here, computer/CPU 1 of Fig. 1 receives the order from Fig. 1 (5); i.e., (5) is now second domain and (1) is the first domain] and communicates the order to a third domain [Fig. 1 (any of 9a-9d)], comprising:

an expanding step at which the first domain performs expansion, into each component part, based upon an order received from the second domain;

a communication step at which the first domain communicates, to the third domain, orders in individual parts units expanded at the expanding step; and

a stopping step at which the first domain compares the number of specific parts contained in inventory stored in the database within the first domain and a required number of specific parts obtained by expansion performed at the expanding step, and stops the communication of an order to the third domain in a case where the number of specific parts contained in inventory is greater, by a prescribed number, than the required number of specific parts.

Claim 24. A parts management system having a database which stores an amount of specific parts contained in inventory [Fig. 1 (1, 3). Parts management by manufacturing firm(s) is a dire need in order for continuous construction/manufacturing of products and provide the same to the customers on time], as well as a first domain [Fig. 1 (5)], a second domain [Fig. 1 (1)] and a third domain [Fig. 1 (9a-9d)] connected in a tree structure [1 connected to 9a-9d

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via 8a-8d], each domain is a unit of processing in a computer system corresponding to a working unit on a production line, wherein said second domain includes:

means for performing expansion [Figs. 2A, 2B described col 4, line 30-col 9, line 35], into each component part [Figs. 4-6 and 8 , Fig. 3 read with col 3, lines 55-59, col 4, line 35-col 5, line 21], an order received from the first domain; and

communication means for communicating, to the third domain, orders in individual parts units expanded by said means for performing expansion [Fig. 1 (5 to 1, 1 to 3, 7 and 1 to 9a-9d) described lines 3-21];

said second domain having input means for inputting, to the database, information relating to a part delivered in accordance with an order [Fig. 1 (1, 5) together with col 4, lines 3-4].

In the following claim Dworkin shows:

Claim 25. The system according to claim 24, wherein the system is constituted by a single domain having order issuing means, order receiving means, machining planning means, constructional expansion means, ordering planning means and ordering means, an interface for making possible interconnection of domains in a tree structure, and input means [Fig. 1 , col 3, lines 61-68 continue col 4, lines 3-68 and Figs. 2A and 2B],

however, does not teach:

inputting, to a database, information relating to a part delivered in accordance with the order.

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Official notice is taken that the feature would have been obvious to one of ordinary skill in the art, because it would facilitate confirmation/verification about the receipt of the part(s) as ordered and also updating of the database.

9. Claims 20, 28 and 30-36 are rejected under U.S.C. 103(a) as being unpatentable over Inui et al (US Patent 5,204,821).

In the following claim Inui et al show:

Claim 20. A parts ordering system [Abstract, lines 1-4] in which a domain is connected to a first network [Fig. 1 (11, 12, 13 and 14, col 4, lines 1-4] and a second network [Fig. 1 (arrow connecting 14 to 15 or to 20 via 30)], said system having means for communicating information between said first network and said second network, however, fail to show the undernoted feature:

selectively depending upon importance of secrecy of the information.

Official notice is taken maintaining secrecy in information transferring is old and well known in the computer art. It would have been obvious to one of ordinary skill in the art at the time of instant invention to include the feature of secrecy, because providing secrecy is an essential and integral requirement.

In the following claim Inui et al show:

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Claim 28. A parts management system [Abstract, lines 1-4] in which a domain is connected to a first network [Fig. 1 (11, 12, 13 and 14, col 4, lines 1-4] and a second network [Fig. 1 (arrow connecting 14 to 15 or to 20 via 30)], said system having means for communicating information between said first network and said second network however, fail to show the undernoted feature:

selectively depending upon importance of secrecy of the information.

Official notice is taken maintaining secrecy in information transferring is old and well known in the computer art. It would have been obvious to one of ordinary skill in the art at the time of instant invention to include the feature of secrecy, because providing secrecy is an essential and integral requirement.

In the following claims Inui et al show:

Claims 30 and 33. An order-receiving/issuing management apparatus for managing receipt of an order [Fig. 1 (14, 21) described col 4, line 65 and col 8, lines 7-15] in which a local domain receives an order from a first domain [Fig. 1 (14 receiving orders from 11 or 12 or 13], and issuance of an order in which the local domain issues an order to a second domain [Fig. 1 (14 to 20)], comprising:

display means for displaying data [Fig. 2 (14g) ; and

display control means [inherently implied] for displaying/outputting, in combination on said display means,

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however fail to teach the following feature:

an icon for identifying receipt of an order or issuance of an order, and data indicating results of receipt of an order or issuance of an order represented by the icon.

Official notice is taken that icon and their respective narrative representation(s) is old and well known technique in the computer art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to make use of the prevalent technique.

Claim 31. The apparatus according to claim 30, wherein said data is the number of processed issued/received orders corresponding to said icon [Inherently implied in light of the above discussion].

Claim 32. The apparatus according to claim 30, wherein said icon displays one or a combination of a plurality of "expected", "orders determined", "delayed", "divided orders", "orders modified", inspection in progress" and "acceptance" [Inherently implied in light of the discussion of **Claim 30** above].

Claim 34. A computer readable recording medium [Fig 2 (14c) described col 4, lines 67-68] on which has been recorded a program by which the following steps are implemented by a computer:

a display step of displaying data [Fig. 2 (14g); and

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a display control step of outputting, in combination to said display step, an icon for identifying receipt of an order or issuance of an order, and data indicating results of receipt of an order or issuance of an order represented by said icon [See discussion of **Claim 30** above].

Claim 35. The apparatus according to claim 30, wherein said display control means displays receipt of an order, a machining plan, constructional expansion, an ordering plan and detailed information of an order on the display means based upon a command from input means [Fig. 4 (21e), Fig. 1 (21), Fig. 1 (11, 12, 13)].

Claim 36. The method according to claim 33, wherein said display control step displays receipt of an order, a machining plan, constructional expansion, an ordering plan and detailed information of an order at said display step based upon a command from an input step [Fig. 4 (21e), Fig. 1 (21)].

10. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dworkin (US Patent 4,992,940) as applied to claim 2 above, and further in view of Inui et al (US Patent 5,204,821).

In the following claim Dworkin fails to show claimed features, however, Inui et al teach the same:

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Claim 4. The system according to claim 2, wherein said means for devising a machining plan has means for comparing a designated delivery date of a received order and planned production date retained in a database, and means for scheduling an expected production date based upon results of the comparison [Fig. 61(1, step 612) described col 6, lines 24-47 and Fig. 6(2) (box 626)].

In the following claim Dworkin does not explicitly show the claimed features, however, Inui et al teach the same:

Claim 6. The system according to claim 2, wherein said means for devising an ordering plan includes:

means for comparing an amount of parts contained in inventory and an amount of parts required [Figs 6(1), 6(2), 6(3), claim 4, lines 45-46], and

means for calculating minimum units of an order [Inherently implied, since determining/calculating the minimum number of parts to be ordered is a basic requisite of parts ordering technique/practice] based upon results of the comparison.

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Response to Arguments

11. Applicant's arguments filed 11/7/2000 have been fully considered but they are not persuasive.

A. As per the rejections under 35 USC 112, first and second paragraph, applicants aid in pointing to the specification for support is appreciated, and applicants various amendments have also removed these rejections.

B. As per the rejections under 35 USC 102 and 103 using the references to Dworkin and Inui et al., the rejections are maintained due to applicants unconvincing arguments.

Applicant argues the “expansion means” as it relates to the references. Applicant should appreciate that in order to construct any product for manufacture, the component parts that are required for that construction are necessarily needed [usually designated by a bill of materials], as well as an order in which to put the parts together [usually designated by an exploded parts diagram].

Applicant argues the “three domains” as it relates to Dworkin. Applicant should appreciate that the three domains as amended remain still taught by Dworkin. Terminal 5 of Dworkin is clearly an order entry terminal which Dworkin describes as remote from the CPU 1. Order entry is clearly a part of the production process. CPU 1 works with the database to retrieve all products or services having the specifications required by the user and sending this information to the appropriate vendor (9a-9d). Vendors (9a-9d) produce the product based on

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the requested specifications. It is clear that each of these "domains" is part of the overall production process as amended by applicant's amendment.

Applicant argues throughout the response the Examiner's use of Official Notice and makes statements that "Applicant's respectfully traverse the Examiner's Official Notice. The Examiner has not provided any support in the prior art for modifying Dworkin in the suggested manner. Clearly, the Examiner is employing impermissible hindsight based on the Applicants' disclosure."

The procedure surrounding the taking of Official Notice is clearly set forth in MPEP 2144.03 which reads in part:

"The rationale supporting an obviousness rejection may be based on common knowledge in the art or "well - known" prior art. The examiner may take official notice of facts outside of the record which are capable of instant and unquestionable demonstration as being "well - known" in the art."

"If justified, the examiner should not be obliged to spend time to produce documentary proof. If the knowledge is of such notorious character that judicial notice can be taken, it is sufficient so to state. In re Malcolm , 129 F.2d 529, 54 USPQ 235 (CCPA 1942). If the applicant traverses such an assertion the examiner should cite a reference in support of his or her position."

"If applicant does not seasonably traverse the well known statement during examination, then the object of the well known statement is taken to be admitted prior art. In re Chevenard , 139 F.2d 71, 60 USPQ 239 (CCPA 1943). A seasonable challenge constitutes a demand for evidence made as soon as practicable during prosecution. Thus, applicant is charged with rebutting the well known statement in the next response after the Office Action in which the well known statement was made. This is necessary because the examiner must be given the opportunity to provide evidence in the next Office Action or explain why no evidence is required. If the examiner adds a reference to the rejection in the next action after applicant's rebuttal, the newly cited reference, if it is added merely as evidence of the prior well known

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statement, does not result in a new issue and thus the action can potentially be made final. If no amendments are made to the claims, the examiner must not rely on any other teachings in the reference if the rejection is made final."

Additionally, the Examiner would like to point out that:

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or **in the knowledge generally available to one of ordinary skill in the art**, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (MPEP 2143 - emphasis added).

Further, MPEP 2143.01 states that:

"In determining the propriety of the Patent Office case for obviousness in the first instance, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the reference before him to make the proposed substitution, combination, or other modification." In re Linter , 458 F.2d 1013, 173 USPQ 560, 562 (CCPA 1972).

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In re Fine , 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones , 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Finally, as per the issue of rationale, MPEP 2144 states that:

The rationale to modify or combine the prior art does not have to be expressly stated in the prior art; the rationale may be expressly or impliedly contained in the prior art or it may be reasoned from knowledge generally available to one of ordinary skill in the art, established scientific principles, or legal precedent established by prior case law. In re Fine , 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones , 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). See also In re Eli Lilly & Co ., 902 F.2d 943, 14 USPQ2d 1741 (Fed. Cir. 1990) (discussion of reliance on legal precedent); In re Nilssen , 851 F.2d 1401, 7 USPQ2d 1500, 1502 (Fed. Cir. 1988) (references do not have to explicitly suggest combining teachings); Ex parte Clapp , 227 USPQ 972 (Bd. Pat. App.

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& Inter. 1985) (examiner must present convincing line of reasoning supporting rejection); and Ex parte Levengood , 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993) (reliance on logic and sound scientific reasoning).

and that rationale different from applicant's is permissible:

The reason or motivation to modify the reference may often suggest what the inventor has done, but for a different purpose or to solve a different problem. It is not necessary that the prior art suggest the combination to achieve the same advantage or result discovered by applicant. In re Linter , 458 F.2d 1013, 173 USPQ 560 (CCPA 1972) (discussed below); In re Dillon , 919 F.2d 688, 16 USPQ2d 1897 (Fed. Cir. 1990), cert. denied , 500 U.S. 904 (1991) (discussed below). Although Ex parte Levengood , 28 USPQ2d 1300, 1302 (Bd. Pat. App. & Inter. 1993) states that obviousness cannot be established by combining references "without also providing evidence of the motivating force which would impel one skilled in the art to do what the patent applicant has done " (emphasis added), reading the quotation in context it is clear that while there must be motivation to make the claimed invention, there is no requirement that the prior art provide the same reason as the applicant to make the claimed invention.

In each instance where the Examiner took Official Notice, specific motivation was supplied that would have been in the knowledge generally available to one of ordinary skill in the art.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

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For each of these reasons the rejections are maintained as set forth above.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

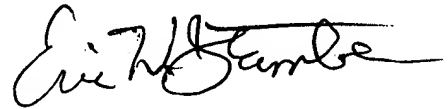
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Irshadullah whose telephone number is (703) 308-6683. The examiner can normally be reached on M-F from 10:00 am to 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached on (703) 305-9643. The fax number for the organization is (703) 305-0040/308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-3900.

A handwritten signature in black ink, appearing to read "Eric W. Stamber". The signature is fluid and cursive, with the first name "Eric" and last name "Stamber" clearly distinguishable.

ERIC W. STAMBER
PRIMARY EXAMINER